

DOCKET NO.: 3811-008-27

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Juncheng Xu, et al.

ART UNIT: 2877

SERIAL NO.: 10/791,842

EXAMINER: Patrick J. Connolly

FILING DATE: March 4, 2004

FOR: OPTICAL FIBER SENSORS FOR HARSH ENVIRONMENTS

**REQUEST FOR REFUND**

OFFICE OF FINANCE  
REFUND SECTION  
COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

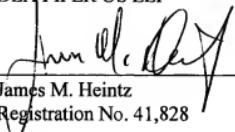
On December 21, 2006, the Applicants timely submitted a payment to the Office in the amount of \$1700 for payment of the Issue and Publication Fees as large entity.

Upon investigation, it appears that the payment of the Issue Fee as a large entity was made in error. The Assignee qualifies as small entity. As evidence, the Applicants submit a copy of Verified Statement of Small Entity Status.

A refund of \$700 is warranted. The Applicants kindly request an early and favorable indication that the refund has been deposited in the Applicants' representative's Deposit Account No. 50-1442.

Respectfully submitted,

DLA PIPER US LLP

  
James M. Heintz  
Registration No. 41,828

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

**DLA Piper US LLP**

APPLICANT OR PATENTEE: VIRGINIA TECH INTELLECTUAL PROPERTIES, INC.  
SERIAL OR PATENT NO.: 10/791,842  
FILED OR ISSUED: March 4, 2004  
FOR: OPTICAL FIBER SENSORS FOR HARSH ENVIRONMENTS

**Verified Statement (Declaration) Claiming Small Entity Status**  
(37 CFR §1.9(f) and §1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: VIRGINIA TECH INTELLECTUAL PROPERTIES, INC.

ADDRESS OF CONCERN: 2200 KRAFT DRIVE, SUITE 1050, BLACKSBURG, VIRGINIA 24060

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR §1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

BY INVENTOR(S)

OPTICAL FIBER SENSORS FOR HARSH ENVIRONMENTS

JUNCHENG XU and ANBO WANG

DESCRIBED IN

THE SPECIFICATION FILED HEREWITH

APPLICATION SERIAL NO.: 10/791,842, FILED: March 4, 2004

PATENT NO.: \_\_\_\_\_, ISSUED: \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a nonprofit organization under 37 CFR §1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27)

NAME: VIRGINIA TECH INTELLECTUAL PROPERTIES, INC.

ADDRESS: 2200 KRAFT DRIVE, SUITE 1050, BLACKSBURG, VIRGINIA 24060

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1011 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Mark S. Coburn

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 2200 Kraft Drive, Suite 1050, Blacksburg, Virginia 24060, Campus Mail Code 0459

SIGNATURE: Mark S. Coburn

DATE: 1-11-07